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PATENT/Docket No.: 6142.N2 CP

Box 567
1614
B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1647
Examiner : Sharon L. Turner, Ph.D.
Applicant(s) : ME Gurney, AM Pauley, and J Li
Serial No. : 09/328,877
Filed : 9 June 1999
For : Human Sel-10 Polypeptides and Polynucleotides that Encode Them

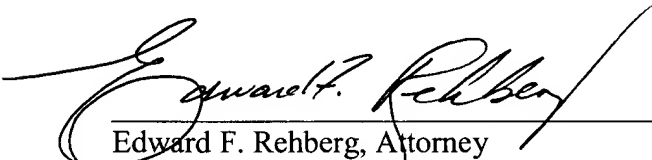
Commissioner of Patents and Trademarks
Washington, DC 20231

RESPONSE

Sir:

Pursuant to a telephonic interview with the Examiner on 2 December 2003 and the attached "Notice to Comply with Requirements for Patent Applications containing nucleotide sequence and/or Amino Acid Sequence Disclosures" Applicants have corrected the sequence listing provided to the Examiner on 13 November 2003. The CRF provided is now error free as verified by "Checker" software. Applicants have submitted a new paper copy of the sequence listing as well as a sequence listing in computer readable form (CRF). The CRF and the paper listing are identical. The sequence listing as provided in this submission is identical to that provided previously except for the correction of the technical errors noted, this submission therefore, does not contain new matter.

Respectfully submitted,


Edward F. Rehberg, Attorney
Registration No. 34,703

Date: 12-3-2003

Pharmacia & Upjohn Company
Global Intellectual Property
301 Henrietta Street
Kalamazoo, Michigan 49001

Telephone No. (616) 833-7829 or (616) 833-9500
Telefax No. (616) 833-8897 or (616) 833-2316



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Fax Cover Sheet

Date: 02 Dec 2003

To: Edward F. Rehberg	From: Sharon L. Turner
Application/Control Number: 09/328,877	Art Unit: 1647
Fax No.: 269-833-8897	Phone No.: 703-308-0056
Voice No.: 269-833-7829	Return Fax No.: 703-308-4426
Re: Printer Rush Sequence Compliance	CC:
<input checked="" type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:

Regarding sequence compliance in this allowed case.

Number of pages 12 including this page

STATEMENT OF CONFIDENTIALITY

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Intervi w Summary	Application No. 09/328,877	Applicant(s) GURNEY ET AL.	
	Examiner Sharon L. Turner	Art Unit 1647	

All participants (applicant, applicant's representative, PTO personnel):

(1) Sharon L. Turner. (3) _____

(2) Edward F. Rehberg. (4) _____

Date of Interview: 02 December 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If yes, brief description: _____

Claim(s) discussed: N/A.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The disk communicated 11-13-03 has errors as noted by the Biotech Stic Report faxed herein. Please hand carry corrected diskete and sequence listing to Examiner Turner. If you have any questions please call me at 703-308-0056.

(A full description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Sharon Turner 12-2-03
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview, checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1. A brief description of the nature of any exhibit shown or any demonstration conducted,
2. An identification of the claims discussed,
3. An identification of the specific prior art discussed,
4. An identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5. A brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6. A general indication of any other pertinent matters discussed, and
7. If appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Application No.: _____

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

ASAP - Printer Rush
Applicant must file the items indicated below within the time period set the Office action to which the notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 111 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached error report.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

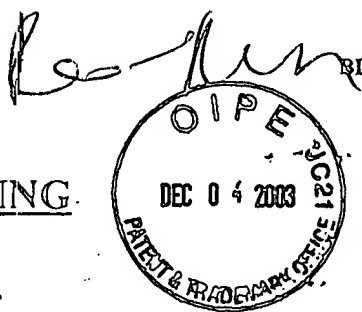
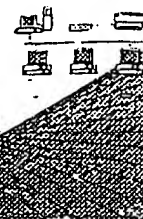
PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

S. Tucker

BIOTECHNOLOGY
SYSTEMS
BRANCHRAW SEQUENCE LISTING
ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/328,877C
 Source: 1600
 Date Processed by STIC: 11-18-03

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENT/IN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 703-308-4212; FAX: 703-308-4221

Effective 12/13/03: TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkr41note.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to (EFFECTIVE 12/01/03):
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 10/08/03

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER:

001/328,877C

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1. Wrapped Nucleics
Wrapped Aminos The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
2. Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.
3. Misaligned Amino Numbering The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
4. Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
5. Variable Length Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
6. PatentIn 2.0 "bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
7. Skipped Sequences (OLD RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(i) NUMBER OF SEQUENCES:" response to include the skipped sequences.
8. Skipped Sequences (NEW RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
9. Use of n's or Xaa's (NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
10. Invalid <213> response Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
11. Use of <220> Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses.
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 00/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
12. PatentIn 2.0 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
13. Misuse of n/Xaa "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



Does Not Comply
Corrected Diskette Needed

SEE Additional pages @ back

1600

RAW SEQUENCE LISTING

DATE: 11/18/2003

PATENT APPLICATION: US/09/328,877C

TIME: 13:18:14

Input Set : A:\6142_revised.seq.txt

Output Set: N:\CRF4\11182003\I328877C.raw

3 <110> APPLICANT: Gurney, Mark E.
5 Li, Jinhe
7 Pauley, Adele M.
9 Pharmacia & Upjohn Company
13 <110> TITLE OF INVENTION: Human Sel-10 Polypeptides and Polynucleotides that
15 Encode Them
19 <110> FILE REFERENCE: 6142
C--> 23 <110> CURRENT APPLICATION NUMBER: US/09/328,877C
C--> 25 <111> CURRENT FILING DATE: 1999-06-09
E--> 29 <110> NUMBER OF SEQ ID NOS: 27
33 <110> SOFTWARE: PatentIn Ver. 2.0

ERRORED SEQUENCES

3603 <210> SEQ ID NO: 32
3605 <211> LENGTH: 23
3607 <212> TYPE: DNA
3609 <213> ORGANISM: Artificial Sequence
3613 <220> FEATURE:
3615 <223> OTHER INFORMATION: Description of Artificial Sequence:
3617 Oligonucleotide primer
3621 <400> SEQUENCE: 32
3623 tcagacaggtcaggacatttgg 23
E--> 3645 14

Number of sequences in
Sequence Listing is 32 not
27 given in <110>.

Remove extra material at the end
of file.

RAW SEQUENCE LISTING ERROR SUMMARY

DATE: 11/18/2003

PATENT APPLICATION: US/09/328,877C

TIME: 13:18:15

Input Set : A:\6142_revised.seq.txt

Output Set : N:\CRF4\11182003\I328877C.raw

Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:1; Line(s) 1,3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,37,39,41
Seq#:1; Line(s) 57,59,61,63,65,67,69,71,73,75,77,79,81,83,85,87,89,91,93,95
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RAW SEQUENCE LISTING ERROR SUMMARY

DATE: 11/18/2003

PATENT APPLICATION: US/09/328,877C

TIME: 13:18:15

Input Set : A:\6142_revised.seq.txt

Output Set: N:\CRF4\11182003\I328877C.raw

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Seq#:6; Line(s) 1267,1269,1271,1273
Seq#:7; Line(s) 1275,1277,1279,1281,1283,1285,1287,1289,1291,1293,1295,1297
Seq#:7; Line(s) 1299,1301,1303,1305,1307,1309,1311,1313,1315,1317,1319,1321
Seq#:7; Line(s) 1323,1325,1327,1329,1331,1333,1335,1337,1339,1341,1343,1345
Seq#:7; Line(s) 1347,1349,1351,1353,1355,1357,1359,1361,1363,1365,1367,1369
Seq#:7; Line(s) 1371,1373,1375,1377,1379,1381,1383,1385,1387,1389,1391,1393

VERIFICATION SUMMARY

DATE: 11/18/2003

PATENT APPLICATION: US/09/328,877a

TIME: 13:18:15

Input Set : A:\6142-revised.seq.txt

Output Set: N:\CRF4\11182003\I328877C.raw

L:23 M:27 C: Current Application Number differs, Replaced Current Application Number
L:25 M:27 C: Current Filing Date differs, Replaced Current Filing Date
L:143 M:23 W: Mandatory Feature missing, <223> Tag not found for SEQ ID#:1
L:143 M:31 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:2460
M:341 Repeated in SeqNo=1
L:289 M:23 W: Mandatory Feature missing, <223> Tag not found for SEQ ID#:2
L:289 M:31 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:2460
M:341 Repeated in SeqNo=2
L:364 M:14 E: No. of Bases conflict, this line has no nucleotides.
L:29 M:20 E: No. of Seq. differs, <160> Number Of Sequences:Input (27) Counted (32)

Additional page 3

<10> 1

<11> 3550

<12> DNA

<13> Homo sapiens

<20>

<21> unsure

<22> (2485)

Numeric Identifier <223> is mandatory
for 'n' and Xaa. SEE ITEM # 9 on

<210>

<211> unsure

<212> (3372)

ERROR Summary SHEET,

R. ✓

<401> 1

Additional page 2

<10> 2

<11> 3571

<12> DNA

<13> Homo sapiens

<20>

<21> unsure

<22> (2506)

See additional page 1.

<23>

<24> unsure

<25> (3393)

<40> 2